

**REMARKS/ARGUMENTS**

***Affirmation of Election***

Applicants hereby affirm the election of Group I, claims 1-12.

***Claim Rejections - 35 USC § 112***

Applicants submit that the scope and meaning of the term "substantially no carbides" in claim 12 is entirely clear to anyone skilled in the art upon reading the claim and the specification. The statement in the specification at page 5, line 32 to page 6, line 2 clearly explains what is meant by the term. This is not a functional limitation but rather a recitation of what amount of carbides, if any, are permissible in alloy carbon steels that are covered by the claim. Nor is the recitation unclear as to the location where there are "substantially no carbides." In full context, the recitation reads as follows: "said alloy carbon steel further comprising silicon at a concentration of ... and containing substantially no carbides." Thus, claim 12 recites *an alloy carbon steel* that contains substantially no carbides. Claim 12 is not dependent on claim 2 and there is no reference in claim 12, or in claim 1 from which this claim depends, of the interfaces between the phases. Applicants can see no lack of definiteness or clarity in claim 12, and reconsideration of this rejection is respectfully requested.

***Claim Rejections - 35 USC § 102***

10  
This rejection is fully obviated by the incorporation of the limitation of claim 3 into claim 1 and the cancellation of claim 3.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. Should any matters remain that can

Application No.: 10/017,847  
Amendment dated March 13, 2003  
Reply to Office Action of January 29, 2003

---

PATENT

be resolved by a conference with Applicants' attorney, the examiner is encouraged to telephone the undersigned at 415-576-0200.

Respectfully submitted,



M. Henry Heines  
Reg. No. 28,219

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: 415-576-0300  
MHH:mhh  
SF 1440533 v1